



THE JOINT COUNCIL
for **THE WELFARE**
OF IMMIGRANTS

Applying for
support if you
can't afford
Home Office visa
fees

-

Fee Waiver
applications

PRESENTED BY

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Introduction

Both presenters will complete this slideshow.

We hope to answer all common issues and queries in the slideshow.

After the slideshow we will have a Q&A session.

Please put your questions in the Chat box and we will then respond to as many of the questions that we can.

We are recording this session to share with people who could not make it. If you are concerned about revealing your identity please feel free to anonymise yourself.

WELCOME



THE JOINT COUNCIL
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Why are we here today? _____

Visa fees are incredibly expensive, however many people do not know that they may be eligible for a fee waiver.

We will explain what fee waivers are and give some information on how to make an application.

We can't cover everything so please look into this yourself or seek legal advice if possible. You may be eligible for legal aid. The Home Office do not require applicants to have a lawyer.

The session is aimed at applicants rather than lawyers. We hope this session is useful. We appreciate questions. Please write them in the comments box.

What we will discuss:



- 1) Which applications don't need a fee waiver because they are free?
- 2) What are fee waivers?
- 3) How to make a fee waiver application?
- 4) What are the requirements for a fee waiver?
- 5) Summary and Q&A

Fee Waivers are available for (1) Immigration Fees, (2) Immigration Health Surcharge (IHS) or (3) Both

Fees

How much it costs depends on who you're joining and how you apply.

	Apply outside the UK	Apply in the UK
Cost if joining your partner, parent or child	£1,846	£1,258
Cost for each dependant added to your application	£1,846 each person	£1,258 each person

Cost for adults who need to be looked after by a relative

How much it costs depends on what permission your relative has.

If they have temporary 'protection status' (permission to stay as a refugee or with humanitarian protection) it costs:

- £404 if you're applying from outside the UK
- £1,258 if you're applying from inside the UK

Otherwise, it costs:

- £3,250 if you're applying from outside the UK
- £1,258 if you're applying from inside the UK

Healthcare surcharge

You might also need to [pay the healthcare surcharge](#) as part of your application.

For each adult (18 or older) it costs:

- £2,587.50 if you're staying for 2 years and 6 months
- £3,105 if you're staying for 2 years and 9 months
- £5,175 if you're staying for 5 years

For each child (under 18), it costs:

- £1,940 if you're staying for 2 years and 6 months
- £2,328 if you're staying for 2 years and 9 months
- £3,880 if you're staying for 5 years

But!.....

- ❖ The higher the Home Office raise the fees, the more people will be eligible for a fee waiver
- ❖ Costs are so high that you may be eligible for a fee waiver even if you are working and even if you have some savings.
- ❖ Even if you have the money in your bank account to pay the fees at the point of making an application, you might still be eligible for a fee waiver because it might not be lawful to require you to pay the fees for example you might have a disabled child and you might argue that you need to use the money on something more important than paying immigration fees for example paying for aids and other specialist support for the disabled child.

Some applications are always free for e.g.

- Asylum claims
- Claims based on serious health deterioration leading to intense suffering or significant reduction in life expectancy

What is a fee waiver application?

- An application to ask the Home Office to consider your visa application without any payment.
- Fee waivers are available for applications made inside and outside the UK.
- Fee waivers can exempt you from both the application fee and the Immigration Health Surcharge (IHS).
- Fee waivers *do not* cover:
 - Legal advice. You would still need to pay for your legal advice unless you have accessed free legal advice such as legal aid.
 - Court fees. There is a separate process to apply for a “fee remission” for appeal fees if your visa is refused, normally on form EX160.
 - Whether the outcome is positive or negative does not affect the chances of success of your immigration application, however the Home Office might pick up on inconsistencies between details on any information previously provided to them (e.g. leave to remain application, asylum support application) and the information provided on the form.

Q: Are fee waivers available for all applications?

A: No

You can apply for a fee waiver for applications based on family or private life, because such applications are human rights claims.

Therefore this includes:

FAMILY LIFE:

- Partner /husband/ wife
- Parent / child
- Adult dependent visa

PRIVATE LIFE

- 20 year long residence
- Very significant obstacles to reintegration

DISCRETIONARY:

- As a victim of trafficking
- Other claims based on private and family life based on individual factors

CITIZENSHIP

- Application to register a child under 18 as a British Citizen



How to Apply



It is free to make a fee waiver application.

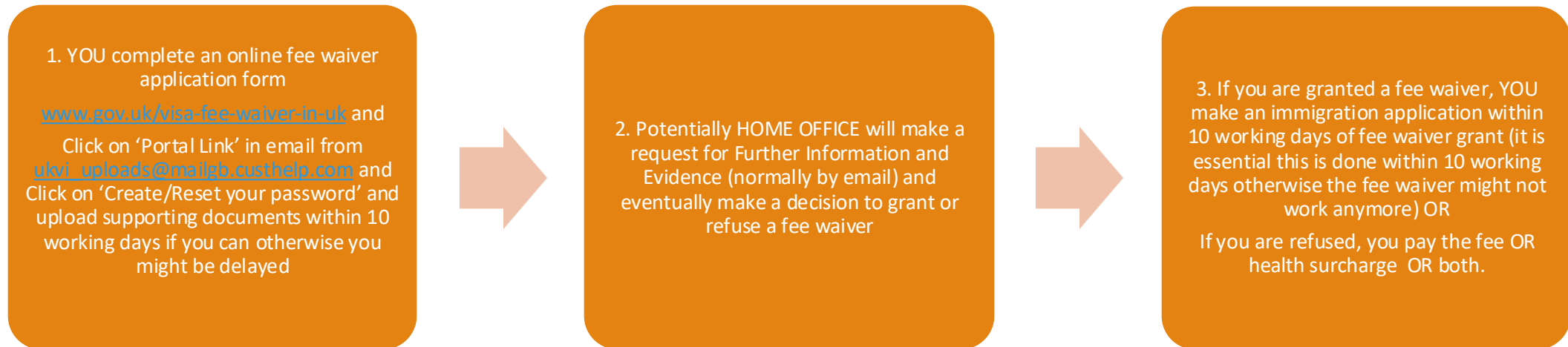
Fee waiver applications are usually made online on a computer or smartphone. If this is not accessible you can request assistance.

The webpage is: www.gov.uk/visa-fee-waiver-in-uk.

This is for all fee waiver applications both inside and outside the UK even though the webpage says 'in-UK'

If you have dependants, such as children, applying with you, you should normally include their details on the same form.

Stages of application from fee waiver to leave to remain



A fee waiver application is made and decided before an immigration application is submitted.

Extending your visa in time (1 of 3)

- For all visa extension applications it is important to make an application **in time** – earliest is normally 28 days before expiry and last day is the actual date of expiry.
- If you make your application **in time** then your visa is automatically extended while your application is pending. If you had the right to work or claim benefits under your previous visa, you will still have these while you wait for your new visa – this is called Section 3C leave because it is leave under Section 3C of the Immigration Act 1971.
- If you apply for a fee waiver *after* your visa expires, you lose your lawful status in the UK while you wait for the Home Office to decide your application. This will mean you lose any leave to remain you have built up over years and you will start from zero again which means it will longer to have enough years to get indefinite leave to remain (ILR)/settlement.

Extending your visa in time (2 of 3)

- An application is **in time** if the online form is submitted before your visa expires. The last day to submit your visa application in time is on the date that your current visa runs out. You do not need to have done your biometric enrolment or submit all documents by that date – the date of the online form is the key date. You should upload supporting documents within 10 working days.
- A fee waiver application is an extra stage in the visa application process. If you submit a fee waiver application in time then your visa is extended while the fee waiver application is decided. If you then make your immigration application within 10 working days of your fee waiver application then your visa is extended while your immigration application is pending.

Extending your visa in time (3 of 3)

So what does this mean?

Even if your current visa is about to expire, it does not mean that you have missed your chance to apply for a fee waiver.

If you submit your fee waiver application by the date of your visa expiry, your visa will be automatically extended while you are waiting for a decision.

Once you receive a decision on your fee waiver, you then need to submit your immigration application within 10 working days. Then your immigration application will be made **in time**, even if several weeks have passed since the date of your visa expiry.

Standard key steps to making a successful fee waiver application

First: Complete the online application form www.gov.uk/visa-fee-waiver-in-uk. You must register an email to create an application and verify the email. Make sure your full name and date of birth and nationality match your passport and/or residence permit. You won't see all questions at once and can save the form and return to fill in answers you don't know immediately. Once submitted, download forms to be signed and download checklist to be ticked that tells you documents to upload.

Second: Click on 'Portal Link' in email from ukvi_uploads@mailgb.custhelp.com and Click on 'Create/Reset your password and enter your Username which will be in a 16 digit number format and click 'Reset My Password'

Third: Annotate 6 months bank statements and scan and collate and label other documents on the checklist and compress them free online if more than 10MB. Login to the Portal Link and upload documents requested in the fee waiver document checklist within 10 working days.

Fourth : Wait for emails from the Home Office – the Home Office often email applicants to ask for further documents normally from FHRUwcocqueries@homeoffice.gov.uk. Upload any documents on link above. Email them if you need to change your email address or you are requesting an update. A decision will arrive by email too.

Fifth : If there are any problems making the application including the code not working email: ApplyOnlineE-Support@homeoffice.gov.uk. OFTEN codes do not work because the name, date of birth and nationality on the immigration application does not match the one on fee waiver.

[Home](#)

Get a visa application fee waiver from inside the UK

You can apply for a fee waiver if you're applying for permission to stay in the UK. This means you will not have to pay a visa application fee if you are eligible.

Before you apply to extend your visa, you must get a decision on your fee waiver.

Eligibility

You may be eligible for a fee waiver if:

- you're a partner, parent or dependant child of someone who has a family visa or has permission to stay in the UK on the basis of their private life
- you've got 'Discretionary Leave' or 'Leave outside the Immigration Rules' on human rights grounds where you were refused refugee status or humanitarian protection - check your Biometric Residence Permit to see what you've got
- you have permission to stay in the UK because you're a victim of modern slavery or human trafficking

You can apply for a fee waiver if you cannot afford to pay the fee because you:

- do not have a place to live in the UK and you cannot afford one
- have a place to live but cannot afford essential living costs like food or heating
- have a very low income and paying the fee would harm your child's wellbeing

Your partner and children

You can include your partner and children in your visa waiver application if they're applying to join or stay with you in the UK as your dependants.

Each family member will need to complete a separate visa application and pay the visa fee. Use this service if you cannot afford to pay all or some of the fees.

Apply for a visa fee waiver

You'll be able to save your form and return to it later.

[Start now >](#)

After you make the application

The Home Office aims to make a decision “promptly, especially those involving a child or an applicant who is disabled or otherwise in vulnerable circumstances”. At the moment we are seeing decisions being made around 6 months after submission.

If the application is successful you will be given a code. You can use this at the “payment” stage of your immigration application, instead of entering payment details

Q: When will fee waiver applications be successful?

A: When the visa fee (and IHS) is not **AFFORDABLE** for you

AFFORDABILITY

- Can you AFFORD the fee?
- The Home Office does not provide set income or savings limits
- You have to show that the visa fee is not AFFORDABLE for you based on your specific financial situation.
- The Home Office will start by looking at if you have enough money in your bank account to cover the cost of the fees, for in country applications you normally need around £4000!

When will the Home Office accept that the fees are not affordable?

- If you are destitute you should be granted a fee waiver, but many other people, including people who are working, may be eligible for a fee waiver. For example you may be able to justify:
 - Cultural purchases e.g. for making important events such as weddings or funerals
 - Presents
 - To send money to family abroad
 - Relative you are living with has available funds
 - Gambling costs if these can be explained and evidenced as outside of your control
 - Debts
 - Redundancy payments
 - Expenses such as eating out, haircuts, TV subscriptions
 - Necessary savings eg for ILR application or travel expenses
- Someone else in your household has funds;
- We cannot guarantee any of these will be accepted, but with a good application and appropriate evidence they may be.

EVIDENCE

1 of 3

- Submitting strong evidence of your financial circumstances is very important for a successful application.
- When you submit your fee waiver application online, you will see a “documents checklist,” telling you which documents you need to provide.
- You should submit as much relevant evidence as possible even if it has not been asked for, and even if it is not an official document.
- If you cannot obtain documents then explain why.
- Write a letter explaining your financial circumstances and why any evidence is missing.

EVIDENCE

2 of 3

- **Documents that are usually requested:**

- **ID:**

- A copy of your passport photo page
- A copy of your BRP

- **Bank statements:**

- 6 months of bank statements for all accounts you hold
- The Home Office do their own checks on what bank accounts you have opened, and it will even include bank accounts that you have not used for years if they are still open. Your fee waiver could be refused if you do not include evidence in relation to all bank accounts.
- You can write on your bank statement to explain the entries – every entry that is regular and every entry that is £250 or more

EVIDENCE

3 of 3

Income and costs

- An explanation of the income and outgoings from your account, to cover any regular or large transactions
- 6 months of payslips, and/or a record of any other income you have
- A letter from your employer confirming your employment
- Letter from Department of Work and Pensions/your Universal Credit journal, if you are receiving benefits
- Tenancy agreement/mortgage bills
- 6 months of bills, including utility bills and council tax
- Letters from individuals who have loaned you money
- Evidence of any health issues you or your dependents have
- Evidence of your childcare responsibilities, e.g. if this means you must work part-time.

A table clearly setting out your income and expenses, in a covering letter, can really help to show the Home Office that you cannot afford the fee.

- Set out the amount you will be required to pay (visa fee + IHS) and explain why you are unable to pay this fee – i.e compared to your income / expenses (essential living needs) and other financial responsibilities Discretion of
- Home Office caseworker’s have the discretion to exercise evidential flexibility – include this in your cover letter
- Regular or large payments from friends and family – obtain support letters with ID outlining (frequency of support / purpose of support and whether they can assist with the fee.
- Friends cannot be expected to pay fees applying the important judgment on page 8 of their guidance, *Dzineku-Liggison & Ors, R [2020] UKUT 222 (IAC), paragraph 96.*

Income	£ per month	Expenses	£ per month
Wages		Rent	
Benefits		Bills	
Total		Food	
		Clothing	
		Total	

The table might look something like this:

Would paying
the fees and
Immigration
Health
Surcharge affect
any children?

If you have a child who would be affected by the expenditure of money that you hold on fees or the immigration health surcharge, you should explain the impact on your child of requiring you to pay. In doing this you should reference the Home Office's duty to have due regard to the duty to promote and safeguard the welfare of children under section 55 of the Borders, Citizenship and Immigration Act 2009 and the Home Office policy 'Every Child Matters'.

What if the Home Office ask for further documents to be provided?

The Home Office often write back after an application has been made and supporting evidence has been submitted to ask for further documents.

You should look at the list of evidence the Home Office are requesting and consider if you can provide it within the timeframe of 10 working days given. The Home Office have a habit of asking for onerous information.

If you think you cannot make it upload a letter asking for an extension and explaining when you think you can provide it and asking the Home Office to confirm that they grant you the extension.

If the Home Office has asked for information or evidence you have already provided you should write a letter to the Home Office and upload it explaining that you have already provided evidence referring to the document names in the document upload portal (which is why it is good to give documents clear labels).

If they ask for an explanation why friends cannot pay often it is enough to provide a letter from that friend with supporting identity documents explaining that the friend is not willing or able to give you a gift or loan to pay the fees. If you cannot get this explain that the law say that friends normally cannot be expected to pay fees, applying applying the important judgment on page 8 of their guidance, *Dzineku-Liggison & Ors, R [2020] UKUT 222 (IAC), paragraph 96*.

If they have taken over 6 months since you made the application to write to you and ask you for a further 6 months annotated bank statements you could explain that you think it is unfair to ask for these documents because they only need to assess if you could afford the fees on the date of the fee waiver application but still try to get those documents as the Home Office might refuse the application if you fail to provide the documents.

Possible outcomes

Positive Outcomes

- Full fee waiver granted –for all applicants and for application fees and the Immigration Health Surcharge
- Partial grant – you have to pay the visa fee but not the Immigration Health Surcharge
- Some of your family have to pay the fee and some do not.

Negative Outcomes

- If given a negative decision, you cannot appeal this decision
- You could decide to go ahead and pay the application fee.
- You could make a new application for a fee waiver if you think the application was not complete and you can provide further evidence. (but if you are making an extension you would then lose the continuity of status)
- If you cannot provide further evidence and you think the decision is wrong, you could seek legal advice to send a pre-action letter and lodge a judicial review to challenge the fee waiver refusal. (but if you are making an extension you could lose the continuity of status)

If you get a possible outcome what if the fee waiver token code does not work?

The Home Office should explain on the fee waiver decision letter what you should do. An example of what they say you should do is here from a recent successful fee waiver decision:

If you have any technical issues in completing your application (for example problems with passwords, payments and booking appointments) please contact the online application support line on: ApplyOnlineE-Support@homeoffice.gov.uk in the email please ensure you include your name, what you are applying for and a description of the problem including screen shots of the error message and the details you are entering.

You can also email FHRUfwcocqueries@homeoffice.gov.uk as we find they are quick to respond often

Challenging a negative decision

You might be able to challenge a negative decision by sending a pre-action letter for judicial review. There is a template pro forma online www.gov.uk/government/publications/pre-action-protocol-for-judicial-review The Home Office normally have 14 days to respond and you have 3 months less one day from the decision to lodge a judicial review.

You should seek specialist legal advice if you do this.

You might challenge a decision to take into account irrelevant matters (for example the Home Office might have asked you for a further 6 month annotated bank statements and you could not provide them in time and this is not relevant as you should only have to show 6 months bank statements up to the date of the fee waiver application). You could ask the Home Office in the decision to treat you as continuing to have leave like under section 3C of Immigration Act 1971.

Looking over an
example form

We will now leave the slideshow to look at an
example fee waiver application form

Summary:

- If you are making an application based on your private or family life you may be able to apply to not have to pay a fee.
- You can apply to the Home Office for the fee and the Health Surcharge to be waived.
- You have to show that the fee is not **AFFORDABLE** . You don't have to be destitute or at risk of destitution.
- The application is made online.
- Submit as much evidence as possible.
- If your application is successful, submit your visa application online form within 10 working days.
- If your fee waiver application is refused, you could make a new application, seek legal advice on challenging the refusal by judicial review or go ahead and pay the fee, and make your application.



Questions

Thank you!



- We are planning to do more of these sessions - how could we improve it? Please write your suggestions as comments in the chat box, or email mary.Atkinson@jcwi.org.uk
- We run a free phone advice line – Monday, Tuesday and Thursday from 10am to 1pm. 0800 160 1004
- Join our mailing list!: <https://www.jcwi.org.uk/news/join-our-mailing-list>